

REMARKS

In response to the Official Action of July 13, 2006, claim 1 has been amended in a manner which is believed to overcome the rejection under 35 USC §112, second paragraph as set forth at paragraphs 1-3 of the Official Action and to positively recite at least one running wheel. Claims 3, 4, 17 and 21 have been amended with respect to at least one running wheel.

In particular, the phrase "especially pulp containing waste paper" has been removed from claim 1. As such, the indefiniteness rejection under 35 USC §112, second paragraph is believed to be overcome.

Referring now to the art rejections under 35 USC §103, it is respectfully submitted that claims 1-3 and 20-21 are not obvious in view of US patent 5,730,376, Schneid et al (hereinafter Schneid et al), further in view of US patent 6,363,601, Schneid (hereinafter Schneid). In particular, it is noted that Figures 3 and 4 of Schneid et al are reproduced at page 4 of the Official Action. However, it is noted that what is denoted as chamber (9) and running wheel (7) do not, in fact, appear in Figure 4 of Schneid et al but were added by the Office in Figure 4 as shown in page 4 of the Official Action.

A telephone conversation concerning this modification of Figure 4 of Schneid et al at page 4 of the Official Action was discussed by the undersigned attorney with Examiner Fortuna on 21 June 2006. The Interview Summary discusses the nature of said conversation.

As seen in Figures 1 and 2 of the present application, each running wheel (7) is shaped and positioned so as to protrude within an outlet chamber and thereby act as a pump by which the pulp is pumped out of the dispersing device by centrifugal force.

Furthermore, claim 1 has been slightly amended to indicate that there is at least one running wheel which protrudes within said outlet chamber and acts as a pump. The specification supports this amendment since it is stated that there can be more than one

running wheel (see page 3, lines 11-14 of the original specification where it specifically states that there can be several of these running wheel pumps within the device). As such, and further in view of Figures 1, 2 and 4 and the description thereof, the running wheel (7) is not a circumferential structure corresponding to what the Office denotes as a running wheel (7) in the modified Figure 4 of Schneid et al set forth in the Official Action.

Furthermore, what the Office considers to be a running wheel in Figure 4 of Schneid et al, is in no way described as performing the act of a pump by which pulp is pumped out of a dispersing device by centrifugal force. Schneid et al at column 3, lines 57-67 describes Figure 4 as illustrating an implementation of an apparatus for regulating dispersion treatment of highly consistent fibrous substances in which processing tools (1',2') form a stator and rotor respectively. Discussion is presented concerning the teeth of these processing tools, but no disclosure is presented which in any way suggests that what the Office denotes as a running wheel is, in fact, a running wheel, nor that this "running wheel" in any way acts as a pump by which pulp is pumped out of the dispersing device by centrifugal force.

Furthermore, Schneid et al does discuss what is identified as an expulsion mechanism (8) as illustrated in Figures 1-5 thereof. This expulsion mechanism, as specifically discussed at column 3, lines 11-35, does not in any way disclose or suggest the use of a running wheel, nor that a running wheel would have the configuration as disclosed and claimed in the present invention. In short, the reliance upon a non-described line in a figure of a reference which in no way suggests its function and whose asserted function is at variance to a described structure (expulsion mechanism 8) of the reference, is believed to be inappropriate.

It is therefore clear that the expulsion blades of Schneid et al arranged in the rotor, as shown in Figures 1-5 thereof, are not located at the outlet chamber but rather are located behind the ring of teeth regulating the expulsion flow between the blades. By contrast, the at least one running wheel as set forth in claim 1 of the present application, is arranged within an outlet chamber. It is also apparent that the at least

one running wheel of the present invention would not have a circumferential shape as suggested by what is proposed as a running wheel in Figure 4 of Schneid et al and thus even if what is proposed as a running wheel in Schneid et al acts as a running wheel (which applicant respectfully refutes), it does not have the structure nor act as a pump as disclosed and claimed in amended claim 1.

For all of the foregoing reasons, it is therefore respectfully submitted that claim 1 is distinguished over Schneid et al in view of Schneid.

Furthermore, the Office's reliance upon Schneid with regard to the use of a cone-shaped disperser shows that this reference does not use or suggest the use of at least one running wheel as disclosed and claimed in the present application. Thus, the reliance upon Schneid for showing a cone-shaped disperser actually further teaches away from the present invention since it makes no mention of a running wheel shaped so as to protrude within an outlet chamber and thereby act as a pump. Therefore, claim 1 is believed to be not suggested by Schneid et al in view of Schneid.

Furthermore, claim 21 is rejected at paragraph 7 of the Official Action in view of Schneid et al in view of Schneid. Claim 21 particularly points out and claims that each running wheel has at least one flow channel formed therein that is arranged so that the pulp is transferred through said at least one flow channel. The Office in no way addresses this additional limitation concerning each running wheel and therefore this claim is believed to be further distinguished over the cited art.

In addition, since claim 1 is believed to be distinguished over the cited art, it is respectfully submitted that claims 2-3 and 20 (as well as 21 previously discussed) are further distinguished over the cited art.

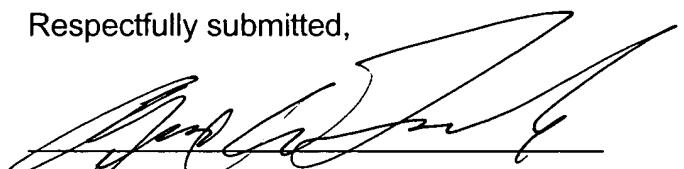
Similarly, the rejection of claims 4-7 and 17-19 under 35 USC §103(a) in view of Schneid et al, further in view of Schneid as applied to claim 1, further in view of US patent 6,419,786, Kurtz, is believed to be overcome due to the fact that claims 4-7 and 17-19 all ultimately depend from amended claim 1, which is believed to be distinguished over the cited art.

Further, it is noted at paragraph 6 of the Official Action that the Office asserts that the application names joint inventors. Please note that this application does not name joint inventors but rather has a sole inventor. Thus, the statements contained in paragraph 6 are believed to be inapplicable.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

The undersigned respectfully submits that no fee is due for filing this Amendment. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,



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